

REMARKS

The present Application is a reissue application of U.S. Patent No. 5,930,729 (“the ‘729 Patent”). As noted by the Examiner, the ‘729 Patent is considered to be “not in force” and has been designated as “Expired due to non-payment of maintenance fees.” Applicant had filed a petition to revive the ‘729 Patent. In response to Applicant’s request for reconsideration of a decision on the petition, the United States Patent and Trademark Office (“USPTO”) has denied Applicant’s petition a second time. Consequently, the matter is considered closed in the USPTO but further recourse is available to Applicant through the Federal Courts.

Therefore, in order to maintain pendency of the Application and to preserve Applicant’s rights, Applicant submits this response to the outstanding Office Action. Upon successful revival of the ‘729 Patent, Applicant stands ready to submit such supplementary responses, amendments and declarations as necessary to secure allowance of the Application.

Reissue Declaration

The Office Action rejects claims 1-33 and 40-55 as being based upon a defective reissue declaration. The reissue declaration is considered defective for failing to adequately identify the error in the patent for which reissue is sought. Accordingly, Applicant files herewith a supplemental Inventor’s Reissue Declaration executed by the Applicant that includes an identification of errors in the original patent. The supplemental declaration adds a more detailed description of subject matter that was inadequately claimed in the issued patent. Consequently, the objection to the Reissue Declaration should be withdrawn.

Specification

The Office Action objects to the disclosure for failing to identify the pending child reissue application in the first paragraph of the Specification. Therefore, Applicant submits an amendment to the Specification that identifies all related reissue applications.

Claim Amendments

The Office Action objects to the claim amendments submitted in the prior Office Action as non-compliant. Specifically, the Office Action requires a status identifier for claim 45. Accordingly, Applicant resubmits the claim amendments filed in response to the Office Action of February 27, 2007 with status identifier added. Thus, duplicate numbering of claim 6 is corrected and claim 23 is amended.

Claim Rejections

Applicant traverses the rejections set forth in the Final Office Action and incorporates hereby the arguments presented in the prior Office Actions.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
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